

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ANDREW WHITAKER

§

VS.

§ CIVIL ACTION NO. 9:15-CV-35

OFFICER MCDONALD, ET AL.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Andrew Whitaker, a prisoner confined at the Nacogdoches County Jail, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Officer McDonald, Officer Derrick Stinson, Officer Rudisill, Officer L. Patterson and John Boundy, attorney at law.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 6) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

It is SO ORDERED.

SIGNED this 28th day of July, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE